

S/N 10/780,237

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian Jones

Examiner: Hillery, Nathan

Serial No: 10/780,237

Art Unit: 2176

Date Filed: February 17, 2004

Atty. Docket: 60001.0289US01/MS305239.1

Title: ANTI-VIRUS SECURITY INFORMATION IN AN EXTENSIBLE MARKUP LANGUAGE DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF BRIAN JONES, MARTIN SAWICKI, ROB LITTLE, DANIEL SNYDER AND AMBROSE TREACY UNDER 37 C.F.R. §1.132

Dear Sir:

Brian Jones, Martin Sawicki, Rob Little, Daniel Snyder and Ambrose Treacy, declare that:

1.

This declaration is to establish that the publication Overview of WordprocessingML (hereinafter, "ML Overview") published in November 2003, is derived from the Applicants' own work.

2.

We are the Applicants named in the US Patent Application No. 10/780,237 filed February 17, 2004, entitled "Anti-Virus Security Information in an Extensible Markup Language Document."

S/N 10/780,237

3.

We were employees of Microsoft Corporation, assignee for the above-identified patent application, since before November 2003, the publication date of the ML Overview.

4.

Working under Applicants' direction, the ML Overview publication, cited in the Office Action mailed on October 26, 2007, was authored by another. The ML Overview publication is a description of the Applicants' own work as derived from the Applicants. Evidence establishing the fact that the author of the ML Overview publication derived his knowledge of the relevant subject matter from the Applicants is shown in the attached Exhibits A-I which are identified as follows: Exhibit A is a series of e-mail communications between Microsoft Corporation and the author requesting their input for preparing the ML Overview document (referred to in the communications as "Word schema projects") on behalf of Microsoft Corporation; Exhibit B is an e-mail communication between the author and Microsoft Corporation requesting the author to draft a WordML document; Exhibit C is an e-mail communication between the Applicants regarding details to be added to the schema documentation being drafted by the author; Exhibit D is an e-mail communication from the author requesting additional information from the Applicants regarding the WordML Primer document being drafted (WordML Primer was the preliminary name for the ML Overview document); Exhibit E is an e-mail communication from Applicant Brian Jones to the author regarding his review of a draft of the ML Overview document; Exhibit F is an e-mail communication from Applicant Brian Jones enclosing a marked up draft of the WordML Primer document (the marked up copy of the WordML Primer document is attached hereto as Exhibit H); Exhibit G is an e-mail communication from Applicant Martin Sawicki enclosing a marked up draft of the WordML Primer document (the marked up

S/N 10/780,237

copy of the WordML Primer document containing Applicant comments w1 through w13, is attached hereto as Exhibit I).

5.

We unequivocally state that we, the Applicants, conceived of the relevant subject matter disclosed in the ML Overview publication, including, but not limited to, the following paragraphs cited in the Office Action mailed on October 26, 2007: page 3, first paragraph; page 27, first paragraph; page 27, second paragraph; page 27, second to last paragraph; page 27, last paragraph; page 28, second paragraph.

6.

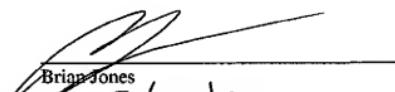
We understand that our declaration may be submitted to the US Patent and Trademark Office in the patent application identified above. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

[Signatures begin on following page]

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S/N 10/780,237

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